

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Suits – I.D No. 180/94 filed by Sri Mohd Pasha, S/o Mohd Khaja, Ex NMR, O/o the PJP, Gadwal – Implementation of orders of Labour Court. III, Hyderabad dt. 19-12-1996 – Orders – Issued

IRRIGATION AND COMMAND AREA DEVELOPMENT (SERVICS. V) DEPARTMENT

G.O Ms No. 189

Dt. 5 –11-2008
Read the following:-

From the Chief Engineer, (Projects), Mahabubnagar District Lr No. ENC(I)/
DCE- I/C1/2999/01 Dt. 20-05-2008.

ORDER:

In the reference read above, the Chief Engineer, (Projects), Mahabubnagar District has stated that Sri Mohd. Pasha was engaged as NMR worker on daily wages on 13-10-82 in P.J.P. He worked for 1249 days up to 31-5-1986 and absconded to duty from 1-6-1986 with out any information. On enquiry, it came to the notice of the Department, that he involved in criminal case and hence his services as NMR were terminated. He was acquitted from criminal case on 6-6-1986. On acquittal from criminal case, he has represented to Superintending Engineer, PJP and on opinion of Government Pleader he was taken into service from 17-10-88 on humanitarian grounds by Executive Engineer, Division I, PJP. His whereabouts are not known to department for the absent period 1-6-1986 to 17-10-1988. He approached the Hon'ble Session Court, Mahaboobnagar in SC No. 157/87 for payment of back wages from 1-6-1986 to 16-10-1988 but the court has not given any order on wages. He worked for further period of 1219 days from 17-10-1988 to 2-3-1992 and again absent to duty from 3-3-1992 due to quarrel in the camp colony. He submitted a leave application to the Deputy Executive Engineer, camp for the period 5-3-1992 to 15-8-92 for which being a N.M.R. he is not eligible. In the mean while, the other workers who are on rolls along with him were also discontinued in the light of Government instructions and Act 2/94. He filed a case in Labour Court III, Hyderabad for reinstatement with back wages in I.D. No. 180/1994. The Labour Court has delivered the judgment on 19-12-1996 with direction to department to appoint the petitioner as fresh candidate in any suitable post taking his age and suitability to post with in 60 days on publication of judgment. The judgment was published in G.O. Rt. No. 405, Dt. 18-12-1997. The Department has filed W.P No. 8400/97 on the judgment of Labour Court dated. 19-12-1996. The Hon'ble High Court have issued orders on 17-9-1999 suspending I.D. No. 180/94 pending finalization of W.P. No. 8400/97. He filed W.P. No. 10248/97, WVMP. No. 2479/2000 in W.P. No. 8400/97 on which the Hon'ble High Court have issued orders on 16-11-2000 that the interim suspension order made absolute subject to condition

the petitioner paid Rs. 1000/- per month. On opinion of Govt. Pleader. Sri Md. Pasha is being paid Rs. 1000/- P.M. from 19-4-1997. The Hon'ble High Court have delivered judgment dismissing the W.P. No. 8400/97 filed by department and that the department have to implement the judgment in I.D. No. 180/94 appointing Sri Mohd. Pasha in a suitable post. The Government Pleader for Irrigation & CAD, High Court of A.P has advised the department to implement the award and if the services are not required, the department may take action by following Industrial Dispute Act.

2. He has, therefore, requested the Government to communicate the orders to implement the judgment and to appoint the petitioner in a suitable post.

(PTO)

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3. After careful examination of the matter, Government hereby direct the Chief Engineer, (Projects) Mahabubnagar to implement the orders of the Labour Court-III, Hyderabad Dt. 19-12-1996 in I.D No. 180/94. Thereafter take steps for termination of his services after duly following the requisites like giving notices etc., under the I.D. Act, as observed by the Labour Court.

4. The Chief Engineer (Projects), Mahabubnagar shall take necessary further action in the matter accordingly.

5. This order issues with the concurrence of Finance (W&P) Dept vide their U.O No. 3747/F2(1)/2008-1 Dt. 25-08-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Chief Engineer, (Projects) Mahabubnagar.
Copy to : Stock File.

// FORWARDED :: BY ORDER //

SECTION OFFICER.